#### **REMARKS**

Reconsideration of the claims, in light of the present amendment, is respectfully requested.

### I. Status of the Claims

Claims 10 and 11 have been added.

Claims 1 and 3 have been amended.

No new matter has been added.

Claims 1-9 have been examined.

Claims 1-11 are currently pending.

Claim 3 has been objected to for informal matters, Applicant has amended claim 3 to correct the informalities. Withdrawal of the objection is respectfully requested.

#### II. Rejections under 35 U.S.C. § 102

Claims 1, 2, and 9 stand rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 5,673,835 to Kalat. The Examiner contends that Kalat discloses every element of the claims. Applicant respectfully traverses the rejection.

The Examiner contends that Kalat's first ring 22 is the claimed "support element" for an article. Applicant respectfully submits that first ring 22 cannot support an article. Kalat states that "[g]enerally a beverage container 12 is inserted through the first ring 22 and rests on either the second ring 24 or the base defined by portion 36 of the support member 30 and the fourth portion 48 of the arm 40." Kalat, column 3, lines 50-53. Kalat defines a beverage container holder and first

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ring 22 is the top of the Kalat's basket and Kalat does not disclose that an article rolled around the shaft can be supported vertically by first ring 22.

The Examiner also contends that second ring 24 is the claimed "support element" for an article. Kalat describes that "first and second rings 22, 24 ... define a vertical axis 26 and [are on] vertically separated parallel planes 23, 25." Kalat, column 2, lines 55-57. Applicant respectfully submits that second ring 24 is in line with first ring 22 and first ring 22 prevents a fabric article from being rolled around the shaft in the form of a cylinder.

Applicant also submits that claim 1 defines hanging a fabric article and Kalat teaches and suggests hanging a beverage container. Applicant submits beverage containers are not made of fabric and thus, Kalat is not applicable art to the present invention.

Regarding claim 9, Applicant respectfully disagrees with the Examiner's contention that claim 9 contains a limitation to the article, the article is not positively claimed and thus the elements are not considered limiting to the claimed. The recitation of the article in the claim is to provide a frame of reference for the location of the strap and it does not need to be positively claimed. Further, the strap is positively claimed and its location and purpose are positive elements. Kalat does not disclose a strap.

Claims 2 and 9 depend from claim 1 and are allowable based at least on their dependency to the independent claim. Applicant respectfully request that the present rejection be withdrawn.

Claims 1, 3, and 9 stand rejected under 35 U.S.C. § 102(e) as anticipated by U.S. Design Patent No. D472,414 to Gilbert. Applicant respectfully traverses the rejection.

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Applicant respectfully submits that Gilbert is a toilet tissue holder and is not applicable prior art to a hanger for a fabric article as defined in claim 1. Additionally, the Examiner contends that the element of Gilbert's design that holds the toilet tissue can also act as a hanging element. However, one of ordinary skill in the art is not taught or motivated to hang a toilet tissue holder from the holder portion. Further, the Examiner's characterization of Gilbert would render Gilbert inoperable for its intended use. If Gilbert's toilet tissue holder is hung as the Examiner contends, the toilet tissue roll is restricted and limited or prevented from the dispensing toilet tissue.

Regarding claim 9, Applicant respectfully disagrees with the Examiner's contention that claim 9 contains a limitation to the article, the article is not positively claimed and thus the elements are not considered limiting to the claimed. The recitation of the article in the claim is to provide a frame of reference for the location of the strap and it does not need to be positively claimed. Further, the strap is positively claimed and its location and purpose are positive elements. Gilbert does not disclose a strap.

Claims 3 and 9 depend from claim 1 and are allowable based at least on their dependency to the independent claim. Applicant respectfully request that the present rejection be withdrawn.

Claims 1, 4-6, 8, and 9 stand rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 1,464,160 to Weyel. The Examiner contends that Weyel discloses all the elements of the claimed invention. Applicant respectfully traverses the rejection.

Applicant submits that claim 1 defines hanging a fabric article and Weyel teaches and suggests a meat hook for hanging meat. Applicant submits that meat is not made of fabric and thus, Weyel is not applicable art to the present invention.

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Further, the Examiner contends that hook arms 4 act as the claimed "support element" for supporting an article rolled around the shaft in the form of a cylinder. Applicant submits that the Examiner's characterization of Weyel would render Weyel inoperative for its intended use. Weyel discloses that "[e]ach of the arms 4 terminate in a hook 11 upon which the carcass is hung." Weyel, page 1, lines 73-74. Thus, Weyel's arms do not support an article rolled around the shaft and cannot anticipate the claims.

Regarding claim 5, the Examiner contends that the notch at the end of arms 4 reads on the claimed "notch". Applicant submits that Weyel does not disclose the support element having "a notch dimensioned to receive the shaft." Applicant has carefully reviewed Weyel and Weyel does not disclose a dimension for the notch as contended by the Examiner and is thus silent regarding the element. Further, the figures of Weyel are not drawn to scale and the dimension of the notch, particularly that the notch is dimensioned to receive the shaft, cannot be assumed from the figures. Thus, Weyel does not disclose "a notch dimensioned to receive the shaft."

Regarding claim 6, Applicant respectfully disagrees with the Examiner's contention that claim 6 contains a limitation to the article, the article is not positively claimed and thus the elements are not considered limiting to the claimed. The recitation of the article in the claim is to provide a frame of reference for the location of header and it does not need to be positively claimed. Further, the header is positively claimed and its location is a positive element. Gilbert does not disclose a header.

Regarding claim 9, Applicant respectfully disagrees with the Examiner's contention that claim 9 contains a limitation to the article, the article is not positively claimed and thus the elements are not considered limiting to the claimed. The recitation of the article in the claim is to provide a

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frame of reference for the location of the strap and it does not need to be positively claimed. Further, the strap is positively claimed and its location and purpose are positive elements. Gilbert does not disclose a strap.

Claims 2, 4-6, 8 and 9 depend from claim 1 and are allowable based at least on their dependency to the independent claim. Applicant respectfully request that the present rejection be withdrawn.

## III. Rejections under 35 U.S.C. §§ 102 and 103

Claims 1, 6, 8, and 9 stand rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 4,262,439 to Dinan et al. ("Dinan"). Claim 7 stands rejected under 35 U.S.C. § 103(a) as unpatentable over Dinan and the Examiner's statement of ordinary skill in the art. The Examiner contends that Dinan discloses all the elements of the claimed invention. Applicant respectfully traverses the rejection.

Applicant submits that claim 1 defines hanging a fabric article and Dinan teaches and suggests a shelving system. Applicant submits that the shelves are not made of fabric and thus, Dinan is not applicable art to the present invention.

Claim 1 recites that an article can be rolled around the shaft. Applicant submits that Dinan does not teach or suggest, and further teaches away from the claimed invention. Dinan's shelves 30 prevent an article from being rolled around the shaft. Further, Dinan teaches away from rolling an article around the shaft since the crux of Dinan's invention is a shelving system to display articles on the shelves.

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Regarding claim 6, Applicant respectfully disagrees with the Examiner's contention that claim 6 contains a limitation to the article, the article is not positively claimed and thus the elements are not considered limiting to the claimed. The recitation of the article in the claim is to provide a frame of reference for the location of header and it does not need to be positively claimed. Further, the header is positively claimed and its location is a positive element.

Regarding claim 9, Applicant respectfully disagrees with the Examiner's contention that claim 9 contains a limitation to the article, the article is not positively claimed and thus the elements are not considered limiting to the claimed. The recitation of the article in the claim is to provide a frame of reference for the location of the strap and it does not need to be positively claimed. Further, the strap is positively claimed and its location and purpose are positive elements. Dinan does not disclose a strap.

Claims 6-9 depend from claim 1 and are allowable based at least on their dependency to the independent claim. Applicant respectfully requests that the present rejection be withdrawn.

# **CONCLUSION**

In view of the above amendment, applicant believes the pending application is in condition for allowance.

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Respectfully submitted,

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